

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**NANCY HARDING and JEFFREY
HARDING, on behalf of themselves and
all others similarly situated,**

Plaintiffs,

v.

JACOBY & MEYERS, LLP, et al.,

Defendants.

Civil Action No. 14-5419

ORDER

This matter having come before the Court by way of Defendants Jacoby & Meyers, LLP (“Jacoby & Meyers”), Finkelstein & Partners, LLP (the “Finkelstein firm”), Total Trial Solutions, LLC (“Total Trial”), Andrew Finkelstein, and Kenneth Oliver’s motion to dismiss [Dkt. No. 15];

and for the reasons set forth in an Opinion issued on this date;

IT IS on this 3rd day of March, 2015,

ORDERED that:

1. Count One (Breach of Fiduciary Duty/Aiding and Abetting) is dismissed as to Jacoby & Meyers. The cause of action may proceed against the Finkelstein firm, Finkelstein, Oliver, and Total Trial.
2. Count Two (Breach of Contract/Good Faith & Fair Dealing) is dismissed as to Jacoby & Meyers and Oliver. The cause of action may proceed against the Finkelstein firm and Finkelstein.

3. Count Three (N.Y. Gen. Bus. L. § 349(a)) is dismissed as to Jacoby & Meyers. The cause of action may proceed against the Finkelstein firm, Finkelstein, and Oliver.
4. Count Four (Unjust Enrichment) is dismissed as to Finkelstein and Oliver. The cause of action may proceed against Total Trial.
5. Count Five (N.Y. Judiciary L. § 347) is dismissed in its entirety.
6. All dismissals are without prejudice.

/s/ Madeline Cox Arleo
Hon. Madeline Cox Arleo
UNITED STATES DISTRICT JUDGE